

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JUDY LARSON, BARRY HALL, JOE  
MILLIRON, TESSIE ROBB and  
WILLIE DAVIS, individually and on  
behalf of all others similarly situated,

Plaintiff,

-against-

AT&T MOBILITY LLC f/k/a  
CINGULAR WIRELESS LLC and  
SPRINT NEXTEL CORPORATION  
and SPRINT SPECTRUM L.P. d/b/a  
SPRINT NEXTEL and NEXTEL  
FINANCE COMPANY,

Defendants.

No. 2:07-cv-05325-JLL-ES

**ORDER TO SHOW CAUSE  
WITH TEMPORARY  
RESTRAINTS**

THIS MATTER having been opened before the Court upon the joint application of Kelley Drye & Warren LLP (Joseph A. Boyle, Esq., appearing) and Quinn Emanuel Urquhart Oliver & Hedges, LLP (Dominic Surprenant, Esq., admitted *pro hac vice*, appearing), attorneys for defendants Sprint Nextel Corporation Sprint Spectrum L.P. d/b/a Sprint Nextel and Nextel Finance Company; and upon the Declaration of Joseph A. Boyle dated March 3, 2010, and a Memorandum of Law in support of this application dated March 3, 2010; and the Court having considered the submissions and the arguments of counsel; and it appearing that certain Class Representatives in the action entitled *In re Cellphone*

*Termination Fee Cases*, JCCP 4332 (the “Subscriber Class Case”) currently pending in the Alameda County Superior Court, State of California (the “California Court”) and their counsel in both the Subscriber Class Case and this action are seeking to continue to litigate issues in the Subscriber Class Case that this Court has enjoined through the Final Approval Order (Doc. No. 437) and Final Judgment (Doc. No. 470); and it appearing that the Court’s protection of the Final Judgment and its effectiveness may be impaired and/or jeopardized by virtue of the activities set forth in Sprint’s submissions; and in furtherance and in aid of the Court’s continuing jurisdiction over the Class Settlement; and in order to protect and effectuate its Final Judgment in the above-captioned action,

IT IS HEREBY ORDERED on this \_\_\_\_\_ day of March, 2010; that:

1. Counsel in the Subscriber Class Case, show cause before this Court at the Martin Luther King Jr. Federal Building, 50 Walnut Street, Newark, New Jersey, 07101, on the \_\_\_\_ March, 2010, at \_\_\_\_\_ or as soon thereafter as counsel may be heard (no appearance will be necessary unless ordered by the Court);

(a) why an injunction should not immediately issue enjoining the Subscriber Class Plaintiffs Ramzy Ayyad and Jeweldean Hull (the “Subscriber Class Named Plaintiffs”) and their counsel in the

Subscriber Class Case (and all persons acting in concert with them) from seeking the Renewed TRO Application in the Subscriber Class Case currently scheduled for a hearing on March 5, 2010 in the California Court and from continuing to prosecute any of the Released Claims, as that term is defined in the Settlement Agreement, in the Subscriber Class Case in the California Court or in any other state court or federal district court; and

- (b) why the Subscriber Class Named Plaintiffs Ramzy Ayyad and Jeweldean Hull, and Alan R. Plutzik, Esq., L. Timothy Fisher, Esq. and Bramson, Plutzik, Mahler & Birkhauser, LLP; Jacqueline E. Mottek, Esq and Positive Legal Group, LLP; J. David Franklin, Esq. and Franklin & Franklin; and Scott A. Bursor, Esq. of the Law Office of Scott A. Bursor (“Subscriber Class Counsel”) in the Subscriber Class Case should not be held in contempt for violating this Court’s permanent injunction in paragraph 23 of the Final Judgment; and

2. That the Subscriber Class Named Plaintiffs and their counsel in the Subscriber Class Case shall file with the Court and serve upon counsel for

Sprint, no later than March \_\_\_\_, 2010, any opposing briefs, declarations or other papers in opposition to Sprint's application;

3. That Sprint shall file with the Court and serve upon counsel for opposing counsel, any reply papers in support of their application, no later than March \_\_\_\_, 2010; and

IT IS FURTHER ORDERED that pending the hearings set forth above that:

4. The Subscriber Class Named Plaintiffs and all Subscriber Class Counsel are hereby enjoined from any further prosecution of these claims in the California state court;

5. Prosecution of the Renewed TRO Application, and prosecution of any Related Claims, in the Subscriber Class Case is hereby stayed until the Court's decision on Sprint Nextel's applications; and

IT IS FURTHER ORDERED that electronic filing and transmittal of this Order by the Clerk through the CM/ECF system along with electronic mail service upon Subscriber Class Counsel shall constitute good and sufficient service, and

IT IS FURTHER ORDERED that a copy of this Order to Show Cause and all papers filed in support thereof shall be provided to Judge Winifred

Smith of the Superior Court of California, Alameda County, by the most expeditious means possible.

Date: March \_\_\_\_\_, 2010

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Honorable Jose L. Linares,  
United States District Judge